

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	NO. 3:09-00242
)	JUDGE CAMPBELL
QUINTON ROATH)	

ORDER

Pending before the Court is Defendant Roath's Motion to Compel (Docket No. 325). The Government has filed a Response (Docket No. 328) and the Defendant has filed a Reply (Docket No. 329). The Motion is GRANTED in part and DENIED in part on the following terms and conditions.

In the Motion to Compel, Defendant Roath "requests that the Court order the U.S. Probation Office to release to the defense Mr. Roath's Supervision records so that he may adequately respond to allegations of Supervised Release violations." (Docket No. 325). Defendant's Motion cites no statutory or case authority for the release of the requested information from the files of the Probation Office.

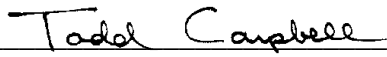
Pretrial services information is generally protected from disclosure by 18 U.S.C. § 3153(c). Disclosure of Presentence Reports is controlled by 18 U.S.C. § 3552(d) and Fed. R. Crim P. 32. The Defendant is entitled to certain disclosures under these provisions. However, disclosure has not been extended generally to Probation Officers' notes and other background materials, and the parties have not cited anything to the contrary.

Regarding revocation hearings, Rule 32.1 provides that the Defendant is entitled to "(A) written notice of the alleged violation; (B) disclosure of the evidence against the person." Accordingly, the Government is ordered to produce such information to the Defendant if it has

not already done so. Defendant has cited no authority that he is entitled to “his entire probation file.” (Docket No. 329, p. 4).

To the extent Defendant seeks further disclosures from the Probation Office, it shall file a motion and brief citing specific statutory or case authority for the disclosure of the information in connection with a hearing to revoke or modify Supervised Release.

It is so ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE